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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,036	09/17/2003	Shinichi Handa	DAIN:754	2578
6160	7590	05/07/2004	EXAMINER	
PARKHURST & WENDEL, L.L.P. 1421 PRINCE STREET SUITE 210 ALEXANDRIA, VA 22314-2805			LEURIG, SHARLENE L	
			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/664,036	Applicant(s) HANDA ET AL.	
	Examiner Sharlene Leurig	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Chien (US 2002/0003697 A1).

Regarding claim 1, Chien discloses a pattern display apparatus comprising a rotary (Figure I) or stationary (Figure 1-E) display member and a flexible organic EL device (paragraph 0026) provided on an outer surface of the rotary or stationary display member. The flexible organic EL device is capable of displaying a character, figure, mark or pattern formed by combining some of a character, figure or mark (paragraph 0026).

Regarding claim 2, the rotary display member (Figure I) rotates to display a variable patterning and stops to display a still patterning (paragraphs 0026 and 0046). The claim limitation of the rotary display member being used in a game machine is a statement of intended use and does not differentiate the claimed apparatus from the prior art apparatus of Chien, which satisfies the claimed structural limitations.

Regarding claim 3, the claim limitation of the stationary display member being used in a POP advertisement is a statement of intended use and does not differentiate

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the claimed apparatus from the prior art apparatus of Chien, which satisfies the claimed structural limitations.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chien (US 2002/0003697 A1) in view of Carcia et al. (6,720,203).

Chien discloses a pattern display apparatus comprising a flexible OEL having a laminated structure including a substrate, a first electrode, an EL layer, and a second electrode (paragraph 0014).

Chien fails to exemplify an OEL having a top sealing layer.

Carcia teaches a flexible organic EL device having a flexible sealing layer (60) provided on top of the OEL device in order to protect the device from degradation resulting from exposure to moisture or air (column 4, lines 45-55).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the OEL device of Chien to have a flexible sealing layer provided above the top electrode, as taught by Carcia, in order to protect the OEL device while maintaining its flexibility.

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5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chien (US 2002/0003697 A1) in view of Carcia et al. (6,720,203), as applied to claim 4 above, and further in view of Kawasaki et al. (6,281,552).

Chien discloses a pattern display apparatus comprising a flexible OEL having a laminated structure including a substrate, a first electrode, an EL layer, and a second electrode (paragraph 0014).

Chien fails to exemplify an OEL having an insulating layer formed between the first and second electrodes or an OEL having a top sealing layer.

Carcia teaches a flexible organic EL device having a flexible sealing layer (60) provided on top of the OEL device in order to protect the device from degradation resulting from exposure to moisture or air (column 4, lines 45-55).

Carcia fails to exemplify an insulating layer formed between the electrodes.

Kawasaki teaches an EL device having an insulating layer (Figure 15B, element 2028) formed between the first (2027) and second (2030) electrodes and formed in a predetermined pattern in order to limit light emission to a predetermined area.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the OEL device of Chien to have a flexible sealing layer provided above the top electrode, as taught by Carcia, in order to protect the OEL device while maintaining its flexibility, and to further modify it to have an insulating layer formed between the electrodes to provide light emission in the desired pattern, as taught by Kawasaki.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharlene Leurig whose telephone number is (571) 272-2455. The examiner can normally be reached on Monday through Friday, 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sll



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